



Mario Montez <mario.montez@lacity.org>

Venice Beach BID petition: 6/24/16

12 messages

Tara Devine <tara@devine-strategies.com>
To: Mario Montez <mario.montez@lacity.org>

Fri, Jun 24, 2016 at 3:33 PM

Mario:

Ekker (owner) / Snapshot LLC (tenant)

Previously submitted but required add'l documentation due to ground lease

I included the petition again at the start of the file so you would not need to search for it

Following it is the documentation for the ground lease

FYI, the owner is also supportive of the BID but is not the appropriate signatory (Ekker is aka Scharff, who already signed for numerous properties)

Please confirm if this petition is now validated or if anything else is required

Miranda/Rita: Just FYI. Also, Metro not yet rec'd.

Thank you all - and have a great weekend!

Warmest regards,

TARA DEVINE

DEVINE STRATEGIES

645 West Ninth St., #110-293


Los Angeles, CA 90015

310.430.5121

tara@devine-strategies.com

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 **SNAPSHOT w documentation.pdf**
2887K

Mario Montez <mario.montez@lacity.org>
To: Miranda Paster <miranda.paster@lacity.org>

Mon, Jun 27, 2016 at 2:00 PM


Miranda,

Please see attached email with lease attachment regarding Venice Beach petition completed by lessee Snapshot. The county shows owner as Ekker Leslie Co Tr & Simone Scharff Tr. Tara sent us the lease documentation we had previously asked for last Friday afternoon. The petition in question is also attached (\$16,028.20, **0.86%**). The petition was left as pending and was not counted as part of the petition tally.

Thanks

Mario

[Quoted text hidden]

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Tara Devine <tara@devine-strategies.com>
To: Mario Montez <mario.montez@lacity.org>

Wed, Jun 29, 2016 at 11:42 AM

The property owner asked me today if the documentation was accepted. Please let me know when you can if Ekker/Snapshot is now validated.

[Quoted text hidden]

Mario Montez <mario.montez@lacity.org>
To: Miranda Paster <miranda.paster@lacity.org>

Wed, Jun 29, 2016 at 1:21 PM

----- Forwarded message -----
From: **Tara Devine** <tara@devine-strategies.com>
Date: Wed, Jun 29, 2016 at 11:42 AM
Subject: Re: Venice Beach BID petition: 6/24/16
To: Mario Montez <mario.montez@lacity.org>

[Quoted text hidden]

Miranda Paster <miranda.paster@lacity.org>
To: "Numano-Hiura, Christy" <christy.numano-hiura@lacity.org>
Cc: "Montez, Mario" <mario.montez@lacity.org>

Wed, Jun 29, 2016 at 1:53 PM

Hello Christy.

Can we accept this petition with the attached documentation?


Thank you.

[Quoted text hidden]

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Counting my blessings - Sing and be Happy Today!

http://clerk.lacity.org/stellent/groups/departments/@clerk_master_contributor/documents/contributor_web_content/lacityp_026712.png

 **SNAPSHOT w documentation.pdf**
2887K

Miranda Paster <miranda.paster@lacity.org>
To: "Numano-Hiura, Christy" <christy.numano-hiura@lacity.org>
Cc: "Montez, Mario" <mario.montez@lacity.org>

Thu, Jun 30, 2016 at 2:25 PM

The tenant is indicating the right to sign the petition w/ the lease agreement.

[Quoted text hidden]

Christy Numano-Hiura <christy.numano-hiura@lacity.org>
To: Miranda Paster <miranda.paster@lacity.org>
Cc: "Montez, Mario" <mario.montez@lacity.org>

Thu, Jun 30, 2016 at 3:02 PM

I've cut and pasted a previous email related to this issue.

Christy Numano-Hiura <christy.numano-hiura@lacity.org>
To: Miranda Paster <miranda.paster@lacity.org>

Tue, Mar 22, 2011 at 11:25 AM

In reply to your questions:

Q: Can you refresh my memory as to whether or not a lessee w/ a triple net lease can sign a petition or ballot?

We do not recall giving advice on this matter. Per Prop 218, the record owner must be given notice and a ballot. PBID law requires the property owner sign the petition. As to whether a tenant can be given a ballot as opposed to

*the property owner, we have consistently advised that per Prop 218, only tenants who are directly liable to pay for the assessment, are entitled to vote. Such tenants should provide you with a long term lease (at least 20 years) that shows, to your satisfaction, that the tenant is directly liable for payment of the assessment. **Note**, if the tenant breaks the lease, you will have no recourse. Hence, you should be very careful when deciding whether to allow a tenant to vote.*

Q: As to your question re: GC 54954.6(c), you will see that S.H. 36623(b) provides as follows:

"If a city council proposes to levy a new or increased business assessment, the notice and protest and hearing procedure shall comply with Section 54954.6 of the Government Code, except that notice shall be mailed to the owners of the businesses proposed to be assessed..."

Let me know if you still need assistance. Thanks.
Christy

So as I indicated in my phone message, the document provided by Snapshot is insufficient to prove they would be directly liable to pay for the assessment or that they have legal authority to sign the petition/vote for the BID. An assignment only assigns those rights, title and interest held by the assignor at the time of assignment. Without looking at all the documents referenced in the assignment, there's no way to determine what right(s), title and interest(s), if any, were legally assigned to Snapshot. Additionally, the document is not an official record.

Let me know if you have additional questions. Thanks.
Christy

[Quoted text hidden]

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Miranda Paster <miranda.paster@lacity.org>
To: Christy Numano-Hiura <christy.numano-hiura@lacity.org>
Cc: "Montez, Mario" <mario.montez@lacity.org>

Thu, Jun 30, 2016 at 3:20 PM

Thank you Mario.
[Quoted text hidden]

Tara Devine <tara@devine-strategies.com>
To: Mario Montez <mario.montez@lacity.org>
Cc: Miranda Paster <Miranda.Paster@lacity.org>, Rita Moreno <Rita.Moreno@lacity.org>

Mon, Jul 11, 2016 at 4:26 PM

I have not received confirmation of validation for the Ekker/Snapshot parcel. I would like to be sure it has been validated because I suspect they may end up having to request a duplicate ballot by mail (the ballot was probably mailed to the owner of record rather than the tenant, who holds a 65-year ground lease.) Please confirm if the attached documentation validates the petition. I also have some additional submissions.

Submissions:

- OLD: 0.86% Ekker/Snapshot - documentation submitted on 6/24. (see below; petition & documentation attached again.)
- NEW: 1.94% Metro's petition is attached
- NEW: 0.14% Murez, James & Melanie - petition was previously submitted but marked provisional pending documentation of ownership - the petition and supporting documentation attached.

This should add almost 3% more to our petition approval threshold of 52.31% (at the time of the Clerk report for Council. I may end up getting another couple before we return to Council, and there's one more largish set of provisional petitions I may end up being able to clear (I've been having trouble getting the documentation.)

Warmest regards,
Tara
[Quoted text hidden]

3 attachments**SNAPSHOT w documentation.pdf**
2887K**METRO.pdf**
1319K**MUREZ JAMES & MELANIE with supporting documentation.pdf**
887K

Miranda Paster <miranda.paster@lacity.org>
 To: Tara Devine <tara@devine-strategies.com>
 Cc: Mario Montez <mario.montez@lacity.org>, Rita Moreno <Rita.Moreno@lacity.org>

Mon, Jul 18, 2016 at 2:48 PM

Hello Tara.

Is this documentation different from what was initially emailed from us?

[Quoted text hidden]

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Tara Devine <tara@devine-strategies.com>
 To: Miranda Paster <miranda.paster@lacity.org>
 Cc: Mario Montez <mario.montez@lacity.org>, Rita Moreno <Rita.Moreno@lacity.org>

Mon, Jul 18, 2016 at 5:17 PM

No. What I submitted via email is the same documentation - Assignment of Lease (Ground Lease.)

I have now also received a copy of the 99-year ground lease (60+ pages, executed in 1979) and an amendment to the lease (19 pages, executed in 1983). They opted to redact a small amount of information in the lease due to confidentiality concerns.

Would the ground lease and amendment be helpful?

We also need clarity re: ballot, which I presume was sent to the owner of record (Ekker.) Ekker has maintained that they lack the authority to sign the petition or return the ballot due to the 99-year ground lease that began in 1979.

Warmest regards,

TARA DEVINE
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[Quoted text hidden]

Miranda Paster <miranda.paster@lacity.org>
 To: "Montez, Mario" <mario.montez@lacity.org>, "Rader, Dennis" <dennis.rader@lacity.org>

Thu, Jul 21, 2016 at 9:52 AM

fyi

----- Forwarded message -----

From: **Christy Numano-Hiura** <christy.numano-hiura@lacity.org>

Date: Thu, Jul 21, 2016 at 9:37 AM
Subject: Re: Venice Beach BID petition: 6/24/16
To: Miranda Paster <miranda.paster@lacity.org>
Cc: Noreen Vincent <noreen.vincent@lacity.org>

Miranda,

In researching your question, I have learned that for property tax purposes, a leasehold interest of 35 years or more constitutes a change of ownership. (R&T section 61; 462.100)

Therefore, assuming the you are satisfied that the records support the BID's contention that Snapshot is the legal assignee and lessee of the 99 year lease, then Snapshot may vote in lieu of the owner of record.

Please note however, the R&T section 462.160(b) further provides that where a trust is involved (as is the case here), if the lease is between parent-child/grandparent-grandchild, then the long term lease does not constitute a change of ownership. I recommend your staff look into this as well.

Christy

----- Forwarded message -----

From: **Miranda Paster** <miranda.paster@lacity.org>
Date: Tue, Jul 19, 2016 at 2:24 PM
Subject: Re: Venice Beach BID petition: 6/24/16
To: Christy Numano-Hiura <christy.numano-hiura@lacity.org>

If the entire document reads in the same way and without stipulations to the contrary, then it is okay to approve the ballot?

On Tue, Jul 19, 2016 at 2:16 PM, Christy Numano-Hiura <christy.numano-hiura@lacity.org> wrote:
I recommend you request and review the entire agreement.

Although the language in the 2 pages you sent does appear to indicate that the lessor will not pay "any taxes as to the property" and that lessee is to pay "All taxes of every kind and nature levied on the premises..", there's no way of knowing who that parties are, and there could be other provisions that place limitations on these provisions. There could also be provisions that provide more assurance that the owner is hands-off.
I would recommend against just taking their word for it based on these 2 pages.
Christy

On Mon, Jul 18, 2016 at 5:42 PM, Miranda Paster <miranda.paster@lacity.org> wrote:
Hello Christy

Does the attached allow us to accept the lessee signing the petition and the ballot?

Thank you.

On Mon, Jul 18, 2016 at 5:39 PM, Tara Devine <tara@devine-strategies.com> wrote:

The lease clearly states that the lessee is responsible for the direct payment of property and other taxes to the respective taxing authority. I've attached a 2-page excerpt from the lease that has this language - if you want 70+ more pages (whole package) let me know. Sorry for the small print/poor quality. I think it's a photocopy circa 1983. You might need the magnifying glass :)

Warmest regards,

TARA DEVINE
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On Mon, Jul 18, 2016 at 5:21 PM, Miranda Paster <miranda.paster@lacity.org> wrote:
According to the information that we have, both items should be sent to owner of record.

If the 99-year ground lease specifically indicates that the lessee has the right to sign on behalf of the property owner, it will be helpful.

[Quoted text hidden]

[Quoted text hidden]

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